

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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RAYON ELLIOT,  
*on behalf of himself, FLSA Collective Plaintiffs  
and the Class,*

Plaintiff,

v.

PERSEVERANCE MECHANICAL LLC  
d/b/a PERSEVERANCE MECHANICAL,  
and ANTHONY BUCHANAN,

Defendants.

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Case No.: 21-cv-07033

**AFFIRMATION IN SUPPORT  
OF REQUEST FOR  
CERTIFICATE OF DEFAULT**

I, C.K. Lee, Esq., hereby declare as follows:

1. Lee Litigation Group, PLLC represents Plaintiff RAYON ELLIOT (“Plaintiff”) in this matter.
2. This action was commenced on December 21, 2021, pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. §§ 201 et. seq. (“FLSA”), the New York Labor Law (“NYLL”).
3. On January 4, 2022, PERSEVERANCE MECHANICAL LLC d/b/a PERSEVERANCE MECHANICAL was properly served with a copy of the Summons and Complaint (See **Exhibit A**). To date, Defendant PERSEVERANCE MECHANICAL LLC d/b/a PERSEVERANCE MECHANICAL has failed to interpose an answer, which was due on January 25, 2022. Proof of Service was filed via ECF on January 14, 2022 (Docket No. 8).
4. The time for Defendant PERSEVERANCE MECHANICAL LLC d/b/a PERSEVERANCE MECHANICAL to answer or otherwise move with respect to the complaint herein has expired.

5. Defendant PERSEVERANCE MECHANICAL LLC d/b/a PERSEVERANCE MECHANICAL has not answered or otherwise moved with respect to the complaint, and the time for Defendant PERSEVERANCE MECHANICAL LLC d/b/a PERSEVERANCE MECHANICAL to answer or otherwise move has not been extended.
6. Defendant PERSEVERANCE MECHANICAL LLC d/b/a PERSEVERANCE MECHANICAL is liable to Plaintiff, pursuant to the Fair Labor Standards Act, as amended, 29 U.S.C. §§ 201 et. seq. for (1) unpaid overtime premium, (2) liquidated damages, and (3) attorneys' fees and costs; and pursuant to the New York Labor Law for (1) unpaid overtime premium, (2) statutory penalties, (3) liquidated damages, and (4) attorneys' fees and costs.

WHEREFORE, Plaintiff requests that the default of Defendant PERSEVERANCE MECHANICAL LLC d/b/a PERSEVERANCE MECHANICAL be noted and a certificate of default issued.

I declare, under penalty of perjury, that the foregoing is true and accurate to the best of my knowledge, information, and belief.

Dated: New York, New York  
March 1, 2022

Respectfully submitted,

By: /s/ C.K. Lee  
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